

Senate File 2338

S-5128

1 Amend the House amendment, S-5111, to Senate File 2338, as
2 passed by the Senate, as follows:

3 1. Page 7, after line 11 by inserting:

4 <Sec. _____. NEW SECTION. **686D.9 Employee reporting of**
5 **COVID-19 — right to avoid exposure — civil penalty.**

6 1. A person shall not discharge or in any manner
7 discriminate against an employee because the employee has
8 filed a complaint or instituted or caused to be instituted a
9 proceeding under or related to any condition of employment
10 that the employee believes to pose an undue risk of a COVID-19
11 infection or has testified or is about to testify in any such
12 proceeding or because of the exercise by the employee on behalf
13 of the employee or others of a right afforded by this chapter.

14 2. A person shall not discharge or in any manner
15 discriminate against an employee because the employee, who
16 with no reasonable alternative, refuses in good faith to be
17 exposed to COVID-19; provided the employee, where possible, has
18 first sought through resort to regular statutory enforcement
19 channels, unless there has been insufficient time due to the
20 urgency of the situation, or the employee has sought and been
21 unable to obtain from the person a correction of the dangerous
22 condition.

23 3. A person violating this section shall be assessed a
24 civil penalty of one thousand dollars, and shall reinstate the
25 employee with back pay, pay the employee front pay equal to the
26 total amount of back pay, and reimburse the employee for the
27 employee's court costs and attorney fees.>

28 2. By renumbering as necessary.

NATE BOULTON